

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

In Re:	:	Chapter 13
Raymond M. Hartley	:	Case No. 18-32522
Lisa G. Hartley (deceased)	:	JUDGE Buchanan
	:	

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**OBJECTION TO PROOF OF CLAIM (CLAIM NO. 8)**

Now comes the Debtor, Raymond Hartley, through undersigned counsel, and objects to the Proof of Claim, Claim No. 8, filed by Universal 1 Credit Union, Inc. (the "Creditor") at 2450 Esquire Drive, Beavercreek, OH 45431 on October 11, 2018 in the amount of \$43,608.00. The reasons for this objection are set forth in the following memorandum.

**MEMORANDUM**

According to the Creditor's proof of claim, Claim No. 8, the total amount claimed is \$43,608.00 of which \$10,350.65 is designated as the total pre-petition arrearage on the account including all escrow shortage. In addition, the mortgage payment is \$1,025.43 which includes an escrow of \$692.16.

In response, the Debtor states the escrow amount is inaccurate as filed. The Debtor has obtained his own insurance policy with Safeco and the annual premium is \$1,091.00. It is the Debtor's position that the Proof of claim does not reflect the updated insurance premium amount. Furthermore, the monthly mortgage payment includes an escrow shortage that should have been calculated into the pre-petition arrearage claim.

For the foregoing reasons, the Debtor requests that Claim No. 8 be disallowed in the amount of \$43,608.00.

Respectfully submitted,

/s/ Thomas M. Fesenmyer  
Thomas M. Fesenmyer (0073901)  
Attorney for Debtors  
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Dayton, OH 45402  
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**NOTICE OF OBJECTION TO PROOF OF CLAIM**

Notice is hereby given that Debtor has filed the following papers with the Court: **OBJECTION TO PROOF OF CLAIM**

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you do not want the court to grant the relief sought in the motion, then on or before thirty (30) days from the date set forth in the certificate of service for the motion, you must file with the court a response explaining your position by mailing your response by regular U.S. Mail to the Clerk of Courts, United States Bankruptcy Court, 120 WEST THIRD STREET, DAYTON, OH 45402 OR your attorney must file a response using the Court's ECF System. The court must receive your response on or before the above date. You must also send a copy of your response either by 1) the court's ECF System or by 2) regular U.S. Mail to

Office of the US Trustee  
170 N. High St., #200  
Columbus, OH 43215

Jeffrey M. Kellner  
131 N. Ludlow St., Suite 900  
Dayton, OH 45402

Raymond Hartley  
171 Ellington Road  
Dayton, OH 45431

Thomas M. Fesenmyer  
120 W. Second St., Suite 333  
Dayton, OH 45402

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief without further hearing or notice.

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**CERTIFICATE OF SERVICE**

The undersigned certifies that a copy of the foregoing OBJECTION TO PROOF OF CLAIM (CLAIM NO. 8) was served electronically on the date of filing through the Court's ECF System on all ECF participants registered in this case at the email address registered with the Court and by ordinary U.S. mail, postage prepaid, on April 19, 2019:

**Debtor(s):**

Raymond Hartley  
171 Ellington Road  
Dayton, OH 45431

**Creditors:**

Universal 1 Credit Union  
2450 Esquire Drive  
Beavercreek, OH 45431

D. Anthony Sottile  
Attorney for Creditor  
PO Box 476  
Loveland, OH 45140

/s/ Thomas M. Fesenmyer

Thomas M. Fesenmyer (0073901)  
Attorney for Debtor(s)